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Ms. Amelia Brown  
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recognized by the Commission in establishing this exemption, closed captioning costs impose too great a financial burden on video program providers with revenues under \$3,000,000.<sup>1</sup>

In addition, EMSI submits that it may be entitled to an exemption under Section 79.1(d)(8) of the Commission's rules dealing with locally produced and distributed non-news programming with no repeat value. While the Commission has provided limited guidance as to what sports programming may be encompassed by this exemption, the instant equestrian sports should qualify for exemption. While the Commission has spoken to high school sports and certain nonprofessional sports as exempt, EMSI believes that equestrian events, with their limited audience, should also be entitled to such treatment.

Consistent with (d)(8) exemption, EMSI wishes to note that equestrian sports requires little in the way of audio input. The events are visual in nature and involve horses jumping over objects in an effort to achieve the fastest trip through a course with the fewest objects knocked down. The results are obvious from the time that is shown on the clocks and the objects knocked down are equally obvious from the visual footage. As a result, there is little that the audio portion assists those who are unable to hear.

Finally, EMSI wishes to confirm that there are no resources to support the closed captioning of these programs. These video productions are a labor of love, not a means to make a profit on EMSI's part. Simply said, equestrian sports do not rank high in the public's eye.

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<sup>1</sup> EMSI is aware of the expenses of closed captioning. Computer Prompting & Captioning Co. ("CPC") of Rockville, Maryland quotes the following costs for software EMSI would need for post-production captioning: \$4,995 for Mac Caption DV and \$6,895 for CPC700 NL and C-Captioned NLE. For real-time captioning, EMSI would have to acquire an encoder with modem for approximately \$3,300. If EMSI wished to use CPC's post-production captioning services, the cost would be \$150 set-up and \$7 per minute. If EMSI wished to use CPC's real-time captioning services, the cost would be \$100 for set-up and at least \$35 per 15 minute segment. See [www.cpcweb.com](http://www.cpcweb.com). This investment is especially burdensome to EMSI as EMSI provides a limited amount of programming and would have to allocate its capital investment to this limited programming.


Equestrian events are not shown on network television or on ESPN. During the Summer Olympics, they are broadcast at odd hours, usually on a cable affiliate of a major network. Simply put, equestrian sports (unlike horse racing) appeal only to those who ride, own horses, or have family members who do so. This is a small demographic segment and one that does not provide a basis for advertisers or broadcasters to support ESMI. At bottom, ESMI cannot produce these programs and close caption in the absence of a revenue stream, which ESMI does not now have and cannot expect now or in the future.

Notwithstanding ESMI's qualification for the above-stated exemption, out of an abundance of caution, and for the benefit of video program distributors who carry Showjumping Unplugged!-TV, ESMI requests an undue burden exemption under Section 79.1(f) of the Commission's Rules. As demonstrated above, the requirement to close-caption Showjumping Unplugged!-TV imposes significant costs on ESMI that ESMI is not currently in a financial position to meet. Accordingly, ESMI should be granted an exemption from closed captioning requirements based on the undue burden captioning costs would impose on ESMI.

WHEREFORE, for the reasons stated above, and pursuant to Section 79.1(f) of the Commission's Rules, Equestrian Sports Media International requests an exemption based on undue burden from the Commission's "new" English-language programming closed captioning requirements.

Respectfully submitted,

**EQUESTRIAN SPORTS MEDIA  
INTERNATIONAL**



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January 9, 2006

DECLARATION

I, Paul Petersen, hereby declare as follows:

1. I am the President of Equestrian Sports Media International ("ESMI"), which produces "Showjumping Unplugged!-TV."
2. I have reviewed the information contained in ESMI's Petition for Exemption from Closed Captioning Requirements and the information contained therein is true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed at Dallas, Cu on the 07 day of January 2006.

  
Paul Petersen